



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10

1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140

FEB - 9 2011

OFFICE OF THE
REGIONAL ADMINISTRATOR

The Honorable Michael O. Finley
Chairman, Colville Business Council
Confederated Tribes of the Colville Reservation
P.O. Box 150
Nespelem, Washington 99155

Dear Chairman Finley:

Thank you for your letter dated January 19, 2011, to Administrator Jackson regarding the Upper Columbia River. Administrator Jackson has asked me to respond on her behalf. The United States Environmental Protection Agency (EPA) appreciates the Colville Tribes' unwavering advocacy for the environment of the Upper Columbia River. We recognize the Tribes' interest in the health of the river's resources for current and future generations. As you correctly point out, it was the Colville Tribes' petition in 1999 that brought our Superfund program's attention to the Upper Columbia River and began the investigation that continues today.

EPA is aggressively overseeing implementation of the Remedial Investigation/Feasibility Study (RI/FS). At hazardous waste sites where there is a viable potentially responsible party, the potentially responsible party typically develops the study plans and performs the bulk of the investigation work under EPA's oversight. It is also typical and appropriate for the potentially responsible party to pay for the investigation work and EPA's oversight costs. EPA's "polluter pays" principle ensures that polluters, not taxpayers, shoulder the burden of the investigation and cleanup costs at hazardous waste sites.

For Fiscal Year 2011, EPA plans to spend approximately \$5 million on oversight. This figure will fund the equivalent of four full-time EPA staff and includes extensive contract support to review draft deliverables, oversee field collection efforts, collect and analyze split samples, and develop independent reports where appropriate. This level of oversight is unusual and one of the most intense in Region 10. We are holding Teck to the terms of the Settlement Agreement and will not hesitate to impose penalties should they be warranted. In addition, financial assurance is in place should Teck refuse to continue to perform the RI/FS.

EPA is committed to our government-to-government relationship with the Colville Tribes. Administrator Lisa Jackson's leadership at the recent Tribal Nations Conference in Washington, DC, demonstrated EPA's commitment to the Tribes. As Regional Administrator, I am responsible for fulfilling EPA's responsibilities to Tribes in our Region, and it is a responsibility I take seriously. On the Upper Columbia River project, EPA's relationship with the Colville Tribes is further enhanced by the 2006 Memorandum of Agreement to which the

Colville Tribes, the Spokane Tribe of Indians, the U.S. Department of the Interior, the State of Washington, and EPA are all signatories. Participating Parties, including the Colville Tribes, are involved in every aspect of the RI/FS. EPA facilitates this involvement through weekly calls, regular in-person meetings, a robust process for commenting on technical documents, and an interactive project team website. EPA is committed to providing our project partners with transparency, a predictable process, and meaningful opportunities for input. Further, while we know we will not always agree on particular issues, we are committed to ensuring a strong scientific underpinning for our decisions. These will continue to be our commitments as we move forward with the RI/FS.

Thank you again for the Tribes steadfast advocacy and efforts on behalf of the health of the Upper Columbia River.

Sincerely,

A handwritten signature in dark ink, appearing to read "Dennis J. McLerran", written in a cursive style.

Dennis J. McLerran *for*
Regional Administrator